

APR. 4. 2005 1:41PM

NO. 2940 P. 1

FOLEY & LARDNER
ATTORNEYS AT LAW
2029 CENTURY PARK EAST, SUITE 3500
LOS ANGELES, CALIFORNIA 90067-3021
TELEPHONE: (310) 277-2223
FACSIMILE: (310) 557-8475

RECEIVED
CENTRAL FAX CENTER
APR 04 2005

FACSIMILE TRANSMISSION

Total # of Pages 19 (including this page)

TO:	PHONE:	FAX #:
Examiner Halim/USPTO		703-872-9306

From: David A. Blumenthal
Sender's Direct Dial: 310-975-7895
Date: April 4, 2005
Client/Matter No: 073303-0116
User ID No: 0071


19:1 007 00000
ENCLOSED IS ARE THE FOLLOWING DOCUMENTS:

Applicant: Kasim S. Candan et al.
Title: SYSTEM AND METHOD FOR INTELLIGENT LOAD DISTRIBUTION TO MINIMIZE
RESPONSE TIME FOR WEB CONTENT ACCESS
Appl. No. 09/703,121
Filing Date: 10/31/2000
Examiner: Sahera Halim

I hereby certify that copies of the following paper(s) along with any attachments referred to or identified as being attached or enclosed are being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306) under 37 C.F.R. § 1.8(a) on the date of shown below.

1. Reply Under 37 CFR 1.116
2. Transmittal Letter Regarding Examiner's Amendment

Dated: April 4, 2005


David A. Blumenthal
Reg. No. 26,257

If there are any problems with this transmission or if you have not received all of the pages, please call 310-277-2223.

Operator:	Time Sent:	Return Original To:
		C. Flores

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

Atty. Dkt. No. 073303-0116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL MAIL ROOM

APR 04 2005

Applicant: Kasim S. CANDAN et al

Title: SYSTEM AND METHOD FOR
INTELLIGENT LOAD
DISTRIBUTION TO MINIMIZE
RESPONSE TIME FOR WEB
CONTENT ACCESS

Appl. No.: 09/703,121

Filing Date: 10/31/2000

Examiner: Sahera Halim

Art Unit: 2157

TRANSMITTAL LETTER REGARDING EXAMINER'S AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application has been allowed and a "Notice of Allowance and Fee (s) Due has been mailed on March 22, 2005. In the Notice of Allowability, (page 2, paragraph 3), certain changes to the claims were made by way of Examiner's amendment.

Prior to the Notice of Allowability, on March 4, 2005, applicant send a "draft" facsimile amendment to the examiner labeled "For Discussion Purposes Only". After that amendment was received by the examiner, a telephone interview with the Examiner was conducted on the same day (March 4, 2005) in which various changes to the claims were discussed in light of the draft amendment. During the interview the Examiner agreed to adopt all claim changes made in the draft amendment. The examiner preferred to formally enter

Atty. Dkt. No. 073303-0116

these changes by examiner's amendment although applicant did offer to resend the "draft" amendment again as a formal amendment after final.

In reviewing the actual "Changes to the Claims" as set forth in the Notice of Allowability, certain of the changes to the claims that should have been made were in fact not made and other changes were made in a form that may be unclear. For example, the first change in paragraph 3 of the examiner's amendment is set forth as follows:

In claim 1, "AORT = --" delete "and",-- .

This change is incomplete in the sense that it does not set forth the complete formula nor does it identify the line number in which the claim change is to be made. The line number is should have been set forth as line number 10.

As another example, in claim 2 the second change set forth by the Examiner is indicated as follows:

In claim 2, after "in the claim 1," insert --wherein the assigning--
--.

In fact, the change should have indicated line 1 of claim 2. Further the change should have indicated that it is to be made after "in claim 1," and not "in the claim 1,".

Some of the problems as set forth above occur in connection with claims 3 and 4. Further, in connection with the first change to claim 19, the same problem occurs as in claim 1 in that the line number (line 13) was not specified nor was the formula set forth. Additionally, for the second change made to claim 19 in the Examiner's amendment, the line number is not specified. The line number should have been identified as line 15.

Further, many other changes set forth in the draft amendment were not included in the Examiner's Amendment. For example, the change made to claims 21-33 proposed the change of the first letter of each claim from "A" to "The". Similar changes were made in the Examiner's Amendment to other claims, e.g. claims 2-5. But the changes were not carried forward to the remaining claims.

Atty. Dkt. No. 073303-0116

In order to clarify the changes which were agreed to during the telephone interview, and which it is believed that the Examiner intended to make in the Examiner's Amendment, applicant is submitting herewith a copy of the draft amendment previously filed for discussion purposes only on March 4, 2005. This time, the amendment is being asked to be formerly entered so as to avoid any confusion.

Respectfully submitted,

Date

3-31-05

By

David A. Blumenthal

FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (310) 975-7895
Facsimile: (310) 557-8475

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257